

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Dale Smart, #272017,	)	
	)	
Plaintiff,	)	
	)	C/A No.: 2:13-3105-TLW
vs.	)	
	)	
Governor Nikki Haley; State of South	)	
Carolina; Agents of the Attorney General,	)	
	)	
Defendants.	)	
_____	)	

**ORDER**

Pro se Plaintiff Robert Dale Smart filed this action on August 26, 2013, alleging claims against Governor Nikki Haley, the State of South Carolina, and Agents of the Attorney General. Doc. #1. This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on March 21, 2014, by Magistrate Judge Bruce Howe Hendricks, Doc. #29, to whom this case was previously assigned. In the Report, the Magistrate Judge recommends that Plaintiff’s Complaint be dismissed without prejudice. Id. Plaintiff filed objections to the Report on April 2, 2014. Doc. #31. Also pending before the Court is Plaintiff’s Motion to Enter Evidence and Grievances. Doc. #32.

The Court has reviewed the Report and the objections. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no

objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Report. Doc. #29. The Plaintiff's objections, Doc. #31, are **OVERRULED**. The Court has reviewed the Defendant's Motion to Enter Evidence and Grievances and the attached documents, Doc. #32, and in light of the above ruling, this Motion is terminated as **MOOT**. The Plaintiff's Complaint is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
Chief United States District Judge

November 13, 2014  
Columbia, South Carolina